

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, MAY 11, 2009.

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Met at five minutes after eleven o'clock A.M., in an Informal Session, with Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Messages from the Governor.

A message from His Excellency the Governor recommending legislation relative to enhancing public safety and reducing recidivism by increasing employment opportunities (House, No. 4107), was filed in the office of the Clerk on Thursday, May 7.

Inmates,—
employment
opportunities.

The message was read; and it was referred, under Rule 30, with the accompanying draft of bill to the committee on the Judiciary. Sent to the Senate for concurrence.

A message from His Excellency the Governor recommending legislation relative to the prevention of crime and reducing recidivism by increasing supervision and training opportunities for inmates (House, No. 4108), was filed in the office of the Clerk on Thursday, May 7.

Inmates,—
training
opportunities.

The message was read; and it was referred, under Rule 30, with the accompanying draft of bill to the committee on the Judiciary. Sent to the Senate for concurrence.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2009 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4109), was filed in the office of the Clerk on Thursday, May 7.

Supplemental
appropriation.

The message was read; and it was referred, under Rule 30, with the accompanying draft of bill to the committee on the Ways and Means. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Galvin of Canton and Kafka of Stoughton) honoring Lawrence Joseph Barrett on his retirement from

Lawrence
Joseph Barrett.

public service in the town of Stoughton;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Ryan Patrick Boyle on receiving the Eagle Award of the Boy Scouts of America;

Ryan Patrick Boyle.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Eric Kennefick Peckham on receiving the Eagle Award of the Boy Scouts of America;

Eric Kennefick Peckham.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Braden Thomas Tierney on receiving the Eagle Award of the Boy Scouts of America;

Braden Thomas Tierney.

Resolutions (filed by Ms. Polito of Shrewsbury) honoring Dr. John Henry Donovan, Jr.'s retirement, in light of his many years of clinical service to the town of Shrewsbury and surrounding communities; and

John Henry Donovan, Jr.

Resolutions (filed by Mr. Speliotis of Danvers) honoring the fiftieth anniversary of Temple Ner Tamid of Peabody;

Peabody,—Temple Ner Tamid.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the Rules, in each instance, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

The following additional petitions (having been deposited in the office of the Clerk of the House, previously to five o'clock P.M., on Friday, January 16, 2009) were referred, under Rule 24 and Joint Rule 13, as follows:

By Mr. Madden of Nantucket, petition (accompanied by bill, House, No. 4104) of Timothy R. Madden and others (by vote of the town) relative to the historic district commission of the town of Falmouth. To the committee on Municipalities and Regional Government.

Nantucket,—historic district commission.

By the same member, petition (accompanied by bill, House, No. 4105) of Timothy R. Madden and Robert A. O'Leary (with the approval of the county commissioners) relative to authorizing government employers in the County of Dukes County to establish pooled other post-employment benefits trust funds. To the committee on Public Service.

Dukes County,—post-employment funds.

By the same member, petition (accompanied by bill, House, No. 4106) of Timothy R. Madden and Robert A. O'Leary (by vote of the town) relative to the Nantucket Islands Land Bank. To the committee on Revenue.

Nantucket Islands Land Bank.

Severally sent to the Senate for concurrence.

Orders.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution

Constitution,—redistricting commission.

establishing an independent redistricting commission and criteria for redistricting for state House of Representatives, Senate, and Councilor districts (House, No. 535),— with reference to which the committee on Election Laws has reported, that the amendment ought NOT to pass [Senator Brown and Representatives Frost of Auburn and Jones of North Reading, dissenting].

The following order (filed by Mr. Bradley of Hingham) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution authorizing the General Court to provide for absentee voting by any voter (House, No. 561), — with reference to which the committee on Election Laws has reported that the amendment ought to pass.

Constitution, —
absentee voting.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution authorizing the General Court to provide for absentee voting by any voter (House, No. 588), — with reference to which the committee on Election Laws has reported that the amendment ought to pass.

Id.

The following order (filed by Mr. Kaufman of Lexington) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor (House, No. 650), — with reference to which the committee on Election Laws has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.

Constitution, —
Executive
Department
vacancies.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development (House, No. 1455), — with reference to which the committee on the Judiciary has reported that the amendment ought to pass.

Constitution,—
eminent domain.

The following order (filed by Mr. Ross of Wrentham) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution for a legislative amendment to the Constitution prohibiting eminent domain (House, No. 1700), — with reference to which the committee on the Judiciary has reported that the amendment ought to pass.

Id.

The following order (filed by Ms. Walz of Boston) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to eminent domain takings (House, No. 1779), — with reference to which the committee on the Judiciary has reported that the amendment ought to pass.

Id.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution repealing automatic increases in compensation for members of the General Court (House, No. 2952), — with reference to which the committees on Rules of the two branches, acting concurrently has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.

Constitution, —
General Court
compensation.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution providing for a two year budget process for the Commonwealth (House, No. 3406), — with reference to which the joint committee on Ways and Means has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.

Constitution,—
two year budget
process.

The following order (filed by Mr. Jones of North Reading) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution limiting expenditure growth (House, No. 3407), — with reference to

Constitution, —
expenditure growth.

which the joint committee on Ways and Means has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.

The following order (filed by Mr. Torrisi of North Andover) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to home rule (House, No. 3411), — with reference to which the committee on Election Laws has reported, that the amendment ought NOT to pass.

Constitution, —
home rule.

The following order (filed by Ms. Wolf of Cambridge) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to the subject matter of initiative petitions (House, No. 3537), — with reference to which the committee on the Judiciary has reported that the amendment ought to pass [Representative Evangelidis of Holden, dissenting].

Constitution,—
initiative subjects.

Paper from the Senate.

The following order was adopted, in concurrence:

Ordered, that conformably to the provisions of Article XLVIII (48) (as amended by Article LXXXI) (81) of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 13, 2009, at one o'clock P.M., for the purpose of considering proposals for amendments to the Constitution.

Constitutional
Convention.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court shall govern said joint session, and any further joint sessions called for the purpose of considering amendments to the Constitution.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill amending the town of Wilmington sewer act (House, No. 4061). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Wilmington,—
sewer act.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Miceli of Wilmington, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill to further prevent oil spills in Buzzards Bay (House, No. 3855) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with an amendment previously recommended by the committee on Ways and Means, pending.

Buzzards Bay.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill establishing a sick leave bank for Sheila Ferreira, an employee of the Trial Court (Senate, No. 2046); and

Sheila Ferreira.

House Bills

Designating a certain structure in the town of Salisbury as the Paul H. Sullivan Sun Shade Deck (House, No. 714);

Salisbury,—
Sullivan deck.

Establishing a sick leave bank for Tanya M. Dubois, an employee of the Trail Court (House, No. 1683);

Tanya M.
Dubois.

Authorizing the town of Norton to transfer certain park land (House, No. 3697);

Norton,—
park land.

Relative to the town of Norton Water and Sewer Commission (House, No. 3698); and

Norton Water and
Sewer Commission.

Establishing a sick leave bank for Michael F. Doiron (House, No. 4071);

Michael F.
Doiron.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Orders of the Day

The House Bill establishing a supplemental tax rate in the town of Rockland (printed as House, No. 4050) (its title having been changed by the committee on Bill in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

The House Bill relative to employees of the town of Westborough (House, No. 3796), reported by said committee to be correctly drawn, was read a third time; and it was passed by be engrossed. Sent to the Senate for concurrence.

Id.

The House bill relative to the Massachusetts Water Resources Authority (House, No. 4044) (its title having been changed by the committee on Bill in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Water authority,—
Wilmington.

Pending the question on passing the bill to be engrossed, Mr. Miceli

of Wilmington moved that it be amended by inserting before the enacting clause the following emergency preamble:

“Whereas, the deferred operation of this act would tend to defeat its purpose, which is to permit forthwith the town of Wilmington to join the Massachusetts Water Resources Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted; and the bill (House, No. 4044, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measure.

The engrossed Bill relative the Massachusetts Water Resources Authority (House, No. 4044, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Water authority,—
Wilmington.

Bill enacted.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next sitting.

At five minutes after twelve o'clock P.M., on motion of Mr. Miceli of Wilmington (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.